

EXTERNAL

AI Index: EUR 70/08/97

24 February 1997

Further information on UA 38/97 (EUR 70/04/97, 3 February 1997) and follow-ups (EUR 70/05/97, 6 February and EUR 70/06/97, 7 February) - Fear of ill-treatment / Possible extrajudicial executions and new concern: Death in custody

FEDERAL REPUBLIC OF YUGOSLAVIA
(Kosovo province)

new name: Besnik Restelica, 30

Besnik Restelica, an ethnic Albanian from Podujevo in Kosovo province, who was arrested on 31 January 1997, is reported to have died in custody in Priština.

Police reportedly told his family on 23 February that he had committed suicide by hanging himself in his cell three days earlier. Ethnic Albanian sources state that his body was marked by severe bruising, particularly on his hands and feet, indicating that he had been tortured in police custody, and may have died as a result of this ill-treatment.

Besnik Restelica was among some 90 ethnic Albanians arrested at the end of January and beginning of February (see original UA and previous follow-ups). On 18 February an investigation was started against him and 15 others on charges of having committed or planned terrorist acts against Serbs, mainly police officers. Another 16 ethnic Albanians have been under investigation on similar charges since 5 February.

Besnik Restelica's lawyer has stated that he first saw his client on 4 February when he was brought before the investigating judge for questioning. On this occasion he noticed bruises on his client's face and saw that Besnik Restelica was not wearing shoes, apparently because his feet were swollen from beating. He requested the investigating judge to record these injuries but his client had opposed this; his lawyer assumed that his client feared reprisals from police if he formally complained of ill-treatment.

Subsequent attempts by his lawyer to visit Besnik Restelica on 19 and 21 February were refused on the grounds that the defendant was being questioned by state security police. Under Yugoslav law, the investigating judge is responsible for carrying out an investigation and police/state security police may only undertake parts of such an investigation if they are instructed to do so by a formal court order. It appears that no such order had been issued in the case of Besnik Restelica, or if it had, this was not communicated to his lawyer.

A request filed by his lawyer on 24 February for a second autopsy on Besnik Restelica to be carried out has been refused. The lawyer had argued that it was necessary to establish exactly how Besnik Restelica had died - given that prisoners detained in custody are normally deprived of the means of causing themselves injury - and to record all the injuries on the dead man's body. Besnik Restelica's family and lawyer had not yet (by 24 February) been given a copy of the autopsy report or the death certificate.

Besnik Restelica was reportedly suspected of being a member of a little-known organization, the Kosovo Liberation Army, which has claimed responsibility for a series of killings and other attacks on Serbs in 1996 and early 1997. According to his lawyer, he had denied any involvement in this organization and in the attacks.

Of some 90 ethnic Albanians arrested in January and early February at least 40 have been released. Many of those released have alleged that they were tortured in police custody. Lawyers acting for those who remain detained have

also complained that their clients have been ill-treated. For example, a lawyer acting for Alban Neziri, a co-defendant of Besnik Restelica, has stated that his client was tortured with electric shocks in order to force him to confess to membership of the Kosovo Liberation Army, and could scarcely walk as a result of ill-treatment by police.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English, French, German or Russian or your own language:

- expressing grave concern about reports of the recent death in custody of Besnik Restelica;
- noting that police have claimed that he committed suicide, but that according to other sources there were marks of severe bruising all over his body, indicating that he may have been tortured in custody and that his death may have been due to torture;
- urging that his family and lawyer be given copies of his death certificate and autopsy report;
- urging a prompt, thorough and independent investigation into Besnik Restelica's death and that any police or state security officer found responsible for torturing or ill-treating him be brought to justice;
- calling for immediate and effective steps to be taken to ensure that all detainees in Kosovo province are protected from torture or ill-treatment, in accordance with international human rights standards.

APPEALS TO:

President of the Republic of Serbia

Predsednik Republike Srbije

Slobodan Milošević

Andrijevica 1

11000 Beograd, FR Yugoslavia

Fax: + 381 11 682 167 or 656 862

Telegrams: Predsednik Srbije, Beograd, Yugoslavia

Salutation: Dear President

Minister of Justice

Arandjel Markićević

Ministar pravde

Republičko Ministarstvo za pravosuđe i opštu upravu

Nemanjina 26, 11000 Beograd, FR Yugoslavia

Fax: +381 11 659 147 (message, then fax tone)

Telegrams: Ministar pravde Srbije, Beograd, Yugoslavia

Salutation: Dear Minister

District public prosecutor, Priština

Okružni javni tužilac

38000 Priština, APKM, Yugoslavia

Telegrams: Okružni javni tužilac, Priština, Yugoslavia

Salutation: Dear Prosecutor

COPIES TO:

Council for the Defence of Human Rights and Freedoms

Xhavit Mitrovica 15, 38000, Priština, Yugoslavia

NGO Information Centre

Avalska 9,

11000 Beograd, Yugoslavia

and to diplomatic representatives of Federal Republic of Yugoslavia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 April 1997.